

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

DAVID R. SABIN, *as personal  
representative of the estate  
of Gregory Lee Richmond, deceased,*

Plaintiff,

v.

Case No. 16-cv-10196

Hon. Thomas L. Ludington

Magistrate Judge Patricia T. Morris

ST. HELEN PRIMARY CARE/  
McLAREN BAY REGION, *d/b/a  
Bay Regional Medical Center,*  
JAMES BASH, D.O.,  
THEODORE BASH, D.O., WAYNE  
WAHL, M.D., MARY BURKETT, N.P.,  
DR. JOHN/JANE DOE, *jointly and  
severally,* UNITED STATES OF AMERICA,

Defendants.

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**STIPULATION TO DISMISSAL OF CLAIMS**  
**AGAINST DEFENDANT UNITED STATES WITH PREJUDICE,**  
**TO DISMISS DEFENDANT UNITED STATES,**  
**AND TO REMAND THE CASE TO STATE COURT**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff David R. Sabin, as personal representative of the estate of Gregory Lee Richmond, Defendant United States (who substituted on behalf of prior defendants MidMichigan Health Park-Houghton Lake (d/b/a MidMichigan Health Services) and Kevin Denlinger, D.O.), and Defendants St. Helen Primary Care/McLaren Bay

Region (d/b/a Bay Regional Medical Center), James Bash, D.O., Theodore Bash, D.O., Wayne Wahl, M.D., and Mary Burkett, N.P., by and through the undersigned counsel, stipulate to the dismissal of Plaintiff's claims against Defendant United States (i.e., Counts VI and VIII) with prejudice. The parties further stipulate to the dismissal of Defendant United States. The parties further stipulate that each party, as to this dismissal, will bear its own fees, costs, and expenses.

Further, Defendant United States' motion to dismiss [D.E. #11] is withdrawn as moot.

Finally, the parties stipulate that, upon the dismissal of Defendant United States, the basis for federal jurisdiction, as cited in the removal papers, no longer exists. Thus, the parties also stipulate to remand to state court.

SO STIPULATED.

McKEEN & ASSOCIATES, P.C.

Counsel for Plaintiff

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Dated: February 29, 2016

BARBARA L. McQUADE

United States Attorney

/s/Theresa Urbanic  
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Dated: February 29, 2016

GIARMARCO MULLINS & HORTON,  
P.C.

/s/ Victoria S. Lehman (with consent)

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Dated: February 29, 2016

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EASTERN DISTRICT OF MICHIGAN  
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DAVID R. SABIN, as personal representative  
of the estate of Gregory Lee Richmond, deceased,

Plaintiff,

Case No. 16-cv-10196

v.  
ST. HELEN PRIMARY CARE/McLAREN BAY  
REGION, d/b/a/ Bay Regional Medical Center, et al.,

Honorable Thomas L. Ludington

Defendants.

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**ORDER DISMISSING DEFENDANT UNITED STATES AND REMANDING TO STATE  
COURT**

Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff David R. Sabin and all Defendants stipulate and agree that Plaintiff's claims against Defendant United States in the above-captioned action be dismissed with prejudice and without fees, costs, or expenses. The parties also stipulate that this dismissal removes the basis for federal jurisdiction, and that the matter should therefore be remanded to state court.

Accordingly, it is **ORDERED** that Plaintiff's claims against Defendant United States are **DISMISSED** with prejudice and without fees, costs, or expenses.

It is further **ORDERED** that Defendant United States' motion to dismiss, ECF No. 11, is **WITHDRAWN as moot**.

It is further **ORDERED** that all remaining claims in this matter are **REMANDED** to state court.

Dated: March 3, 2016

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 3, 2016.

s/Michael A. Sian  
MICHAEL A. SIAN, Case Manager